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REALIGNMENT OF SEWER EASEMENT NINTH LINE TRUNK SEWER, PROJECT 7805 TOWN OF WHITCHURCH-STOUFFVILLE

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, May 29, 2007, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council authorize the abandonment of the easement over Part 6 on Expropriation Plan D903, Town of Whitchurch-Stouffville (*see Attachment 1*).
2. The abandonment of the above easement be subject to The Regional Municipality of York acquiring a good and valid easement for the purposes of the Ninth Line Trunk Sewer over Parts 2, 4, 5 and 7 on Plan 65R29930 (*see Attachment 2*).

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to:

1. Abandon the easement described in Recommendation 1 in exchange for the easement described in Recommendation 2.

3. BACKGROUND

In 2003, the Region expropriated a permanent easement over Part 6 on Expropriation Plan D903 (*see Attachment 1*) for the purpose of constructing and installing the Ninth Line Trunk Sewer. The sewer was necessary to provide municipal wastewater service to the expanded development proposed for the community of Stouffville and is located north of 19th Avenue on the east side of Ninth Line. It was intended that the expropriated sewer easement would fall within the proposed alignment for Hoover Park Drive. However, the final alignment of Hoover Park Drive was moved slightly, with the result that the registered easement ended up falling outside of the actual right-of-way in places. The sewer itself was constructed within the limits of the final realigned Hoover Park Drive.

The solicitor for Mattamy (Ninth Line) Limited has requested that the registered easement be amended to accurately reflect the final location of the sewer. This can be accomplished by the Region abandoning its easement over lands set out in

Recommendation 1 above, in return for an easement over the lands set out in Recommendation 2 above. All of the above will be done at no cost to the Region. The solicitors for Mattamy (Ninth Line) Limited will be required to provide, at no cost to the Region, the necessary documentation and certificates of title to implement the above.

Staff of the Transportation and Works Department are satisfied that this exchange will accommodate all of their needs at this location.

4. FINANCIAL IMPLICATIONS

All costs in connection with these transactions, including the preparation and registration of the necessary documentation and the provision of satisfactory certificates of title, will be completed at no cost to the Region.

5. LOCAL MUNICIPAL IMPACT

There is no municipal impact associated with this report.

6. CONCLUSION

The easement that we are being asked to abandon will no longer be required providing the replacement easement described above is transferred to the Region. The sewer, as constructed, falls wholly within the limits of the replacement easement set out in Recommendation 2 above.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the June 13, 2007 Committee meeting.)